IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8091 OF 2005

Shri. Rafiq Bashik Shaikh. .. Petitioner.

vs.

Sou. Yamuna Shivaji

Bhambare & Ors. .. Respondents.

Ms. Smita Gadhani for petitioner.

Mr. A. B. Tajane for respondent no.1.

CORAM : S.U. KAMDAR, J.

DATE : 1st December, 2005.

P.C.:

. By the impugned order dated 29.8.2005 the trial Court has refused to review the order passed on Exhibit 71. The said order on Exhibit 71 was passed on 8.8.2005. By the aforesaid two orders the trial Court has come to the conclusion that because this Court by an order dated 14.6.2005 passed in writ Petition No. 2762 of 2005 has expedited the hearing of the suit, the Court should not hear the application being Exhibit 71 for removal of obstruction for effective implementation of the injunction order passed on Exhibit-5. The view

taken by the trial Court is totally erroneous and, therefore, both the orders i.e. the order dated 8.8.2005 and order dated 29.8.2005 are quashed and set aside. The Civil Judge, Junior Division, Pimpalgaon is directed to decide the application on merits being Exhibit 71 and pass appropriate order thereon. Application to be heard and disposed of on or before 31.12.2005. Petition is made absolute accordingly. No order as to costs.